

**** NOTICE:** This is only a preliminary draft of the City-County Council agenda prepared by the Council staff pursuant to Sec. 161-5(b) and may not be complete. The President of the Council has not determined the order of business for this meeting pursuant to Sec. 151-71. The agenda will be final only when approved by the Council at the meeting.

AGENDA

CITY COUNTY COUNCIL

AND THE

INDIANAPOLIS POLICE, FIRE, AND SOLID WASTE COLLECTION

SPECIAL SERVICE DISTRICT COUNCILS

May 17, 2010

7:00 P.M.

- I. PRAYER AND PLEDGE OF ALLEGIANCE - Councillor Cain**
- II. ROLL CALL**
- III. INTRODUCTION OF GUESTS AND VISITORS**
- IV. OFFICIAL COMMUNICATIONS**
- V. ADOPTION OF AGENDA**
- VI. APPROVAL OF JOURNALS – April 26, 2010**
- VII. PRESENTATION OF PETITIONS, MEMORIALS, SPECIAL RESOLUTIONS, AND COUNCIL RESOLUTIONS**

PROPOSAL NO. 155, 2010 (Special Resolution)

INTRODUCED: 05/17/2010 BY: Councillor Brown

REFERRED TO: Committee of the Whole

DIGEST: recognizes Chris Tolliver

PROPOSAL NO. 156, 2010 (Special Resolution)

INTRODUCED: 05/17/2010 BY: Councillor Pfisterer

REFERRED TO: Committee of the Whole

DIGEST: recognizes Terese Middleton for being the 2010 winner of the 3rd Annual Kenneth and Geraldine Gell Poetry Prize

PROPOSAL NO. 157, 2010 (Special Resolution)

INTRODUCED: 05/17/2010 BY: Councillors Pfisterer, Lutz, McHenry, Cockrum and Lewis

REFERRED TO: Committee of the Whole

DIGEST: recognizes the Ben Davis Lady Giants Basketball Team and Coach Stan Bengé

VII. PRESENTATION OF PETITIONS, MEMORIALS, SPECIAL RESOLUTIONS, AND COUNCIL RESOLUTIONS

PROPOSAL NO. 158, 2010 (Special Resolution)
INTRODUCED: 05/17/2010 BY: All Councillors
REFERRED TO: Committee of the Whole
DIGEST: recognizing the Butler University Men's Basketball Team

VIII. INTRODUCTION OF PROPOSALS

PROPOSAL NO. 147, 2010 (Council Resolution)
INTRODUCED: 05/17/2010 BY: Councillors Scales and Nytes
REFERRED TO: Administration and Finance Committee
DIGEST: approves the Mayor's appointment of Manuel Mendez as the Director of the Office of Audit and Performance

PROPOSAL NO. 148, 2010 (Special Resolution)
INTRODUCED: 05/17/2010 BY: Councillor Pfisterer
REFERRED TO: Administration and Finance Committee
DIGEST: determines the need to lease approximately 11,500 square feet of office space at 5519 West 38th Street for use as a Marion Superior Court probation office

PROPOSAL NO. 149, 2010 (General Ordinance)
INTRODUCED: 05/17/2010 BY: Councillors McQuillen, Mansfield and Lutz
REFERRED TO: Rules and Public Policy Committee
DIGEST: amends the Code to add and amend various chapters related to license and permit fees to be collected by the department of code enforcement pursuant to a cost analysis study determining the cost of the services underlying these fees to the department

PROPOSAL NO. 150, 2010 (General Ordinance)
INTRODUCED: 05/17/2010 BY: Councillors McQuillen, Mansfield and Lutz
REFERRED TO: Rules and Public Policy Committee
DIGEST: amends the Code to amend the schedule of license, permit, inspection and administrative fees to be collected by the department of code enforcement pursuant to a cost analysis study determining the cost of the services underlying these fees to the department

PROPOSAL NO. 151, 2010 (General Resolution)
INTRODUCED: 05/17/2010 BY: Councillor Day
REFERRED TO: Parks and Recreation Committee
DIGEST: approves certain public purpose grants totaling \$1,000,000 for the support of the arts

PROPOSAL NO. 152, 2010 (General Resolution)
INTRODUCED: 05/17/2010 BY: Councillor Vaughn
REFERRED TO: Public Safety and Criminal Justice Committee
DIGEST: approves a crime prevention initiative grant award in the amount of \$39,000 to Devington Community Development Corporation as recommended by the Crime Prevention Advisory Board and as approved by the Mayor

PROPOSAL NO. 153, 2010 (Special Resolution)
INTRODUCED: 05/17/2010 BY: Councillor Gray
REFERRED TO: Public Works Committee
DIGEST: designates 22nd Street, from Capitol Avenue to College Avenue, as the Bishop Morris E. Golder Memorial Way

VIII. INTRODUCTION OF PROPOSALS

PROPOSAL NO. 154, 2010 (General Ordinance)
INTRODUCED: 05/17/2010 BY: Councillor Cain
REFERRED TO: Parks and Recreation Committee
DIGEST: amends the Code to adopt a new Sec. 621-128 prohibiting parking in parks after closing and to amend Sec. 103-52 establishing penalties for violations

IX. SPECIAL ORDERS - PRIORITY BUSINESS

PROPOSAL NO. 146, 2010 (Special Ordinance)
INTRODUCED: 05/17/2010 BY: Councillor Cardwell
REFERRED TO: Economic Development Committee
DIGEST: authorizes the City to issue one or more series of Economic Development Tax Increment Revenue Bonds in a maximum aggregate principal amount not to exceed \$25,500,000 for the Dow Agro Sciences global headquarters and research and development facilities for expansion and improvements at 9330 Zionsville Road (District 1)
COMMITTEE ACTION:
05/12/2010 Do Pass 5-0

PROPOSAL NOS. 159-162, 2010 (Rezoning Ordinances)
INTRODUCED: 05/17/2010 BY: Councillor McHenry
REFERRED TO: Committee of the Whole
DIGEST: rezoning ordinances certified by the Metropolitan Development Commission on May 6, 2010

PROPOSAL NOS. 163-166, 2010 (Rezoning Ordinances)
INTRODUCED: 05/17/2010 BY: Councillor McHenry
REFERRED TO: Committee of the Whole
DIGEST: rezoning ordinances certified by the Metropolitan Development Commission on May 6, 2010

X. SPECIAL ORDERS - PUBLIC HEARING

PROPOSAL NO. 121, 2010 (General Ordinance)
INTRODUCED: 04/26/2010 BY: Councillor Cardwell
REFERRED TO: Economic Development Committee
DIGEST: establishes procedures for the City of Indianapolis and Marion County to issue Recovery Zone Bonds under the 2009 Federal Stimulus Act
COMMITTEE ACTION:
05/12/2010 Do Pass 5-0

PROPOSAL NO. 120, 2010 (General Resolution)
INTRODUCED: 04/26/2010 BY: Councillor Cardwell
REFERRED TO: Economic Development Committee
DIGEST: designates all of the City of Indianapolis and Marion County as a recovery zone for purposes of the 2009 Federal Stimulus Act
COMMITTEE ACTION:
05/12/2010 Do Pass 5-0

X. SPECIAL ORDERS - PUBLIC HEARING

PROPOSAL NO. 122, 2010 (Fiscal Ordinance)

INTRODUCED: 04/26/2010 BY: Councillors Sanders and Vaughn

REFERRED TO: Metropolitan Development Committee

DIGEST: appropriates \$4,989,922 in the 2010 Budget of the Department of Metropolitan Development (Federal Grants and Consolidated County Funds) to fund various contracts pertaining to long-term transportation planning within Central Indiana

COMMITTEE ACTION:

05/03/2010 Do Pass 6-0

PROPOSAL NO. 125, 2010 (General Resolution)

INTRODUCED: 04/26/2010 BY: Councillor Malone

REFERRED TO: Municipal Corporations Committee

DIGEST: approves the Library Capital Project Fund Plan of the Indianapolis-Marion County Public Library for 2011-2013

COMMITTEE ACTION:

05/11/2010 Do Pass 6-0

PROPOSAL NO. 128, 2010 (Fiscal Ordinance)

INTRODUCED: 04/26/2010 BY: Councillor Hunter

REFERRED TO: Public Works Committee

DIGEST: appropriates \$90,000 in the 2010 Budget of the Department of Public Works (Federal Grants Fund) to fund activities related to the development of rain gardens in the city, a tree planting and maintenance program at the IREF, and an energy-efficiency retrofit program

COMMITTEE ACTION:

05/06/2010 Do Pass As Amended 8-0

XI. SPECIAL ORDERS - UNFINISHED BUSINESS

XII. SPECIAL ORDERS - FINAL ADOPTION

PROPOSAL NO. 243, 2009 (Special Ordinance)

INTRODUCED: 06/29/2009 BY: Councillors Hunter and Evans

REFERRED TO: Public Works Committee

DIGEST: approves and authorizes execution of an agreement between the City of Indianapolis and Hamilton County, Indiana, for the exercise of eminent domain authority and the construction of highway and drainage improvements in Marion and Hamilton Counties

COMMITTEE ACTION:

07/09/2009 Postpone until 7/30/2009 7-0

07/30/2009 Tabled 8-0

12/10/2009 Postpone until 1/21/2010 9-0

02/11/2010 Postpone until 4/1/2010 9-0

04/01/2010 Postpone until 5/6/2010 8-0

05/06/2010 Do Pass 8-0

XII. SPECIAL ORDERS - FINAL ADOPTION

PROPOSAL NO. 89, 2010 (General Ordinance)
INTRODUCED: 03/22/2010 BY: Councillors Cain and Nytes
REFERRED TO: Metropolitan Development Committee
DIGEST: amends the Wellfield Protection Zoning Ordinance to revise the definition of "technically qualified person," to re-assign agency responsibilities for re-evaluation of wellfield delineation boundaries, and for administration of the groundwater protection fee (2009-AO-05)
COMMITTEE ACTION:
03/29/2010 Tabled 9-0
04/12/2010 Do Pass As Amended 5-3
COUNCIL ACTION:
04/26/2010 Returned to Committee
COMMITTEE ACTION:
05/03/2010 Do Pass As Amended 5-0

PROPOSAL NO. 119, 2010 (Special Resolution)
INTRODUCED: 04/26/2010 BY: Councillors Pfisterer and D. Mahern
REFERRED TO: Administration and Finance Committee
DIGEST: determines the need to lease approximately 7,056 square feet of space at 1349 South Tibbs Avenue for use by the Warrant Section of the Law Enforcement Division of the County Sheriff
COMMITTEE ACTION:
04/27/2010 Strike 6-0

PROPOSAL NO. 123, 2010 (General Ordinance)
INTRODUCED: 04/26/2010 BY: Councillor Vaughn
REFERRED TO: Metropolitan Development Committee
DIGEST: amends portions of the Code regarding the Dwelling Districts Zoning Ordinance amending the setbacks pertaining to land within the Town of Meridian Hills
COMMITTEE ACTION:
05/03/2010 Do Pass 6-0

PROPOSAL NO. 124, 2010 (General Ordinance)
INTRODUCED: 04/26/2010 BY: Councillor Vaughn
REFERRED TO: Metropolitan Development Committee
DIGEST: amends portions of the Code regarding the Dwelling Districts Zoning Ordinance amending the setback requirements and maximum building heights in the D-S and D-1 dwelling districts
COMMITTEE ACTION:
05/03/2010 Do Pass 5-0

PROPOSAL NO. 126, 2010 (Fiscal Ordinance)
INTRODUCED: 04/26/2010 BY: Councillors Scales and Oliver
REFERRED TO: Public Safety and Criminal Justice Committee
DIGEST: approves a transfer of \$29,500 in the 2010 Budget of the Marion County Coroner (County General and Federal Grants Funds) to purchase investigation radios and a body rack for storage
COMMITTEE ACTION:
04/28/2010 Do Pass 8-0

XII. SPECIAL ORDERS - FINAL ADOPTION

PROPOSAL NO. 129, 2010 (General Ordinance)

INTRODUCED: 04/26/2010 BY: Councillor Nytes

REFERRED TO: Public Works Committee

DIGEST: authorizes parking restrictions on the north side of Brookside Avenue at Newman Street (District 9)

COMMITTEE ACTION:

05/06/2010 Do Pass 8-0

PROPOSAL NO. 130, 2010 (Council Resolution)

INTRODUCED: 04/26/2010 BY: Councillors Moriarty Adams, McQuillen, Lutz, Rivera and Pfisterer

REFERRED TO: Rules and Public Policy Committee

DIGEST: approves the Mayor's establishment of a charter school, "The Excel Center," by issuing a charter to Goodwill Education Initiatives, Inc.

COMMITTEE ACTION:

05/03/2010 Do Pass 7-1

PROPOSAL NO. 131, 2010 (Special Ordinance)

INTRODUCED: 04/26/2010 BY: Councillor Speedy

REFERRED TO: Rules and Public Policy Committee

DIGEST: authorizes the transfer of the waterworks and the sewage works of the City of Indianapolis to Citizens Energy Group

COMMITTEE ACTION:

05/11/2010 Do Pass As Amended 5-3

PROPOSAL NO. 132, 2010 (Special Ordinance)

INTRODUCED: 04/26/2010 BY: Councillor Speedy

REFERRED TO: Rules and Public Policy Committee

DIGEST: authorizes the issuance and sale of revenue bonds to procure funds to be applied to the costs of the construction, renovation, rehabilitation and installation of improvements to the public ways, including roads, streets, alleys, trails, sidewalks and other public facilities, appropriating the proceeds derived from the sale of such bonds, modifying the amount of payments in lieu of taxes payable by the sanitary district

COMMITTEE ACTION:

05/11/2010 Do Pass As Amended 5-3

XIII. SPECIAL SERVICE DISTRICT COUNCILS

XIV. NEW BUSINESS

XV. ANNOUNCEMENTS AND ADJOURNMENT

- The President* The docketed agenda for this meeting of Council having been completed, the Chair will now entertain motions for adjournment.
- President's Designee* Mr. President.
- The President* The Chair recognizes Councillor Sanders.
- The Councillor* Mr. President, I have been asked to offer the following motion for adjournment:
- by Councillor Pfisterer in memory of Keith R. Cogan.
- by Councillors Pfisterer, Gray and Brown in memory of Robert Wisehart and Steven M. Baker.
- by Councillor Sanders in memory of Elizabeth "Aunt Betty" Gearn, James Russell "Russ" Settle and Michael J. Elder.
- by Councillor McQuillen in memory of Juanita Glasscock.
- by Councillor Malone in memory of Larry "Hollywood" King, Jr. and Danella Thomas.
- Mr. President, I would like to move the adjournment of this meeting of the Indianapolis City-County Council in recognition of and respect for the life and contributions of those persons I have here specifically named. I respectfully ask the support of fellow Councillors. I further request that the motion be made a part of the permanent records of this body and that a letter bearing the Council seal and the signature of the President be sent to the family of each person advising of this action.
- The President* Thank you, Councillor Sanders. Hearing no objections, the motion is received and the requests are so ordered.
- Hearing no further motions, we are adjourned.

XVI. PENDING PROPOSALS

PROPOSAL NO. 371, 2009 (General Ordinance)
INTRODUCED: 10/05/2009 BY: Councillors Hunter and Mansfield
REFERRED TO: Community Affairs Committee
DIGEST: amends the Code with respect to nonsmoking areas
COMMITTEE ACTION:
10/14/2009 Do Pass As Amended 4-2
COUNCIL ACTION:
10/26/2009 Indecisive Vote 12-13
10/26/2009 Tabled 14-13
11/09/2009 Overruled Chair's Decision on Tabling 12-16
11/09/2009 Postpone until 11/30/2009 28-0
11/30/2009 Returned to Committee 20-7
COMMITTEE ACTION:
12/30/2009 Postpone until 4/14/2010 4-0
04/14/2010 Tabled 6-0

XVI. PENDING PROPOSALS

PROPOSAL NO. 408, 2009 (General Resolution)

INTRODUCED: 11/09/2009 BY: Councillor Smith

REFERRED TO: Economic Development Committee

DIGEST: approves the guaranty of the yield on low income tax credits in order to enable the sale of such low income tax credits by the Indianapolis Housing Agency for rehabilitation projects in the City to be developed by its non-profit arm Partners for Affordable Housing, Inc.

COMMITTEE ACTION:

11/23/2009 Postponed 7-0

12/08/2009 Tabled 5-0

PROPOSAL NO. 418, 2009 (Special Resolution)

INTRODUCED: 11/09/2009 BY: Councillors Malone, B. Mahern, Lewis, Sanders, D. Mahern, Hunter, Smith, and Mansfield

REFERRED TO: Metropolitan Development Committee

DIGEST: urges the General Assembly and Governor to grant additional authority to the Council to review and approve all tax abatements, postpone consideration of tax abatements and zoning changes, and review and approve any real estate acquisition by the Metropolitan Development Commission in excess of \$25,000

COMMITTEE ACTION:

12/07/2009 Do Pass 2-5

PROPOSAL NO. 10, 2010 (Council Resolution)

INTRODUCED: 01/11/2010 BY: Councillor Freeman

REFERRED TO: Metropolitan Development Committee

DIGEST: reappoints Alan E. Retherford to the Metropolitan Board of Zoning Appeals, Division III

COMMITTEE ACTION:

01/25/2010 Do Pass 1-4

PROPOSAL NO. 39, 2010 (General Ordinance)

INTRODUCED: 02/01/2010 BY: Councillor Coleman

REFERRED TO: Parks and Recreation Committee

DIGEST: amends the Code to clarify provisions with respect to possession of firearms on park property

COMMITTEE ACTION:

02/25/2010 Tabled 4-3

PROPOSAL NO. 71, 2010 (General Resolution)

INTRODUCED: 02/22/2010 BY: Councillor Speedy

REFERRED TO: Public Works Committee

DIGEST: approves the issuance of one or more series of Indiana Waterworks District Net Revenue Bonds or notes in an aggregate principal amount not to exceed \$1.2 million to fund special main extension projects to serve unserved areas by funding through the State Revolving Loan Fund

COMMITTEE ACTION:

03/04/2010 Tabled 8-0

XVI. PENDING PROPOSALS

PROPOSAL NO. 79, 2010 (Council Resolution)

INTRODUCED: 02/22/2010 BY: Councillors Sanders, Mansfield, Minton-McNeill, Lewis, Moriarty Adams, MahernB, Bateman, Nytes, Oliver and Evans

REFERRED TO: Rules and Public Policy Committee

DIGEST: supports an open and transparent discussion concerning the proposal to sell or to otherwise dispose of water-related resources, water facilities, assets and properties of Indianapolis Water, and that any such disposition or decision to retain such assets be a matter reserved to the City-County Council

COUNCIL ACTION:

02/22/2010 Referred to Committee

COMMITTEE ACTION:

03/31/2010 Postpone until 04/13/2010

04/13/2010 Tabled 4-3

PROPOSAL NO. 127, 2010 (General Ordinance)

INTRODUCED: 04/26/2010 BY: Councillor Hunter

REFERRED TO: Public Safety and Criminal Justice Committee

DIGEST: amends the Code to rename, as the division of homeland security, the emergency management planning division of the department of public safety, and to make other technical corrections

COMMITTEE ACTION:

04/28/2010 Postpone until 5/19/2010 8-0

PROPOSAL NO. 145, 2010 (Fiscal Ordinance)

INTRODUCED: 04/26/2010 BY: Councillor Sanders

REFERRED TO: Parks and Recreation Committee

DIGEST: reduces the \$27,562,000 appropriation to the Capital Asset Development Capital Project Fund by \$3,500,000 and approves an additional appropriation of \$3,500,000 in the 2010 Budget of the Department of Parks and Recreation (Parks General Fund) to fund pool improvements and pool related operating costs at Wes Montgomery Park